

Senator Todd D. Weiler proposes the following substitute bill:

LICENSING AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Brady Brammer

Senate Sponsor: Curtis S. Bramble

LONG TITLE

General Description:

This bill modifies provisions of the Cosmetology and Associated Professions Licensing Act (the act).

Highlighted Provisions:

This bill:

- ▶ modifies the definition of "hair braiding" in the act to include the use of wefts if applied without the use of glue or tape; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

58-11a-102, as last amended by Laws of Utah 2020, Chapter 339

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **58-11a-102** is amended to read:



26 **58-11a-102. Definitions.**

27 As used in this chapter:

28 (1) "Approved barber or cosmetologist/barber apprenticeship" means an apprenticeship
29 that meets the requirements of Subsection 58-11a-306(1) for barbers or Subsection
30 58-11a-306(2) for cosmetologist/barbers and the requirements established by rule by the
31 division in collaboration with the board in accordance with Title 63G, Chapter 3, Utah
32 Administrative Rulemaking Act.

33 (2) "Approved esthetician apprenticeship" means an apprenticeship that meets the
34 requirements of Subsection 58-11a-306(4) and the requirements established by rule by the
35 division in collaboration with the board in accordance with Title 63G, Chapter 3, Utah
36 Administrative Rulemaking Act.

37 (3) "Approved hair designer apprenticeship" means an apprenticeship that meets the
38 requirements of Subsection 58-11a-306(3) and the requirements established by rule by the
39 division in collaboration with the board in accordance with Title 63G, Chapter 3, Utah
40 Administrative Rulemaking Act.

41 (4) "Approved master esthetician apprenticeship" means an apprenticeship that meets
42 the requirements of Subsection 58-11a-306(5) and the requirements established by rule by the
43 division in collaboration with the board in accordance with Title 63G, Chapter 3, Utah
44 Administrative Rulemaking Act.

45 (5) "Approved nail technician apprenticeship" means an apprenticeship that meets the
46 requirements of Subsection 58-11a-306(6) and the requirements established by rule by the
47 division in collaboration with the board in accordance with Title 63G, Chapter 3, Utah
48 Administrative Rulemaking Act.

49 (6) "Barber" means a person who is licensed under this chapter to engage in the
50 practice of barbering.

51 (7) "Barber instructor" means a barber who is licensed under this chapter to engage in
52 the practice of barbering instruction.

53 (8) "Board" means the Cosmetology and Associated Professions Licensing Board
54 created in Section 58-11a-201.

55 (9) "Cosmetic laser procedure" includes a nonablative procedure as defined in Section
56 58-67-102.

57 (10) "Cosmetic supervisor" means a supervisor as defined in Section 58-1-505.

58 (11) "Cosmetologist/barber" means a person who is licensed under this chapter to
59 engage in the practice of cosmetology/barbering.

60 (12) "Cosmetologist/barber instructor" means a cosmetologist/barber who is licensed
61 under this chapter to engage in the practice of cosmetology/barbering instruction.

62 (13) "Direct supervision" means that the supervisor of an apprentice or the instructor of
63 a student is immediately available for consultation, advice, instruction, and evaluation.

64 (14) "Electrologist" means a person who is licensed under this chapter to engage in the
65 practice of electrology.

66 (15) "Electrologist instructor" means an electrologist who is licensed under this chapter
67 to engage in the practice of electrology instruction.

68 (16) "Esthetician" means a person who is licensed under this chapter to engage in the
69 practice of esthetics.

70 (17) "Esthetician instructor" means a master esthetician who is licensed under this
71 chapter to engage in the practice of esthetics instruction.

72 (18) "Fund" means the Cosmetology and Associated Professions Education and
73 Enforcement Fund created in Section 58-11a-103.

74 (19) (a) "Hair braiding" means the twisting, weaving, or interweaving of a person's
75 natural human hair.

76 (b) "Hair braiding" includes the following methods or styles:

77 (i) African-style braiding;

78 (ii) box braids;

79 (iii) cornrows;

80 (iv) dreadlocks;

81 (v) french braids;

82 (vi) invisible braids;

83 (vii) micro braids;

84 (viii) single braids;

85 (ix) single plaits;

86 (x) twists;

87 (xi) visible braids;

- 88 (xii) the use of lock braids; [~~and~~]
89 (xiii) the use of decorative beads, accessories, and [~~nonhair~~] extensions[-]; and
90 (xiv) the use of wefts if applied without the use of glue or tape.
91 (c) "Hair braiding" does not include:
92 (i) the use of:
93 (A) wefts if applied with the use of glue or tape;
94 (B) synthetic tape;
95 (C) synthetic glue;
96 (D) keratin bonds;
97 (E) fusion bonds; or
98 (F) heat tools;
99 (ii) the cutting of human hair; or
100 (iii) the application of heat, dye, a reactive chemical, or other preparation to:
101 (A) alter the color of the hair; or
102 (B) straighten, curl, or alter the structure of the hair.
103 (20) "Hair designer" means a person who is licensed under this chapter to engage in the
104 practice of hair design.
105 (21) "Hair designer instructor" means a hair designer who is licensed under this chapter
106 to engage in the practice of hair design instruction.
107 (22) "Licensed barber or cosmetology/barber school" means a barber or
108 cosmetology/barber school licensed under this chapter.
109 (23) "Licensed electrology school" means an electrology school licensed under this
110 chapter.
111 (24) "Licensed esthetics school" means an esthetics school licensed under this chapter.
112 (25) "Licensed hair design school" means a hair design school licensed under this
113 chapter.
114 (26) "Licensed nail technology school" means a nail technology school licensed under
115 this chapter.
116 (27) "Master esthetician" means an individual who is licensed under this chapter to
117 engage in the practice of master-level esthetics.
118 (28) "Nail technician" means an individual who is licensed under this chapter to engage

119 in the practice of nail technology.

120 (29) "Nail technician instructor" means a nail technician licensed under this chapter to
121 engage in the practice of nail technology instruction.

122 (30) "Practice of barbering" means:

123 (a) cutting, clipping, or trimming the hair of the head of any person by the use of
124 scissors, shears, clippers, or other appliances;

125 (b) draping, shampooing, scalp treatments, basic wet styling, and blow drying;

126 (c) removing hair from the face or neck of a person by the use of shaving equipment;

127 and

128 (d) when providing other services described in this Subsection (30), gently massaging
129 the head, back of the neck, and shoulders by manual or mechanical means.

130 (31) "Practice of barbering instruction" means teaching the practice of barbering at a
131 licensed barber school, at a licensed cosmetology/barber school, or for an approved barber
132 apprenticeship.

133 (32) "Practice of basic esthetics" means any one of the following skin care procedures
134 done on the body for cosmetic purposes and not for the treatment of medical, physical, or
135 mental ailments:

136 (a) cleansing, stimulating, manipulating, exercising, applying oils, antiseptics, clays, or
137 masks, manual extraction, including a comedone extractor, depilatories, waxes, tweezing, the
138 application of eyelash or eyebrow extensions, natural nail manicures or pedicures, or callous
139 removal by buffing or filing;

140 (b) limited chemical exfoliation as defined by rule;

141 (c) removing superfluous hair by means other than electrolysis, except that an
142 individual is not required to be licensed as an esthetician to engage in the practice of threading;

143 (d) other esthetic preparations or procedures with the use of the hands, a
144 high-frequency or galvanic electrical apparatus, or a heat lamp for cosmetic purposes and not
145 for the treatment of medical, physical, or mental ailments;

146 (e) arching eyebrows, tinting eyebrows or eyelashes, perming eyelashes, or applying
147 eyelash or eyebrow extensions; or

148 (f) except as provided in Subsection (32)(f)(i), cosmetic laser procedures under the
149 direct cosmetic medical procedure supervision of a cosmetic supervisor limited to the

150 following:

151 (i) superfluous hair removal which shall be under indirect supervision;

152 (ii) anti-aging resurfacing enhancements;

153 (iii) photo rejuvenation; or

154 (iv) tattoo removal.

155 (33) (a) "Practice of cosmetology/barbering" means:

156 (i) styling, arranging, dressing, curling, waving, permanent waving, cleansing,
157 singeing, bleaching, dyeing, tinting, coloring, or similarly treating the hair of the head of a
158 person;

159 (ii) cutting, clipping, or trimming the hair by the use of scissors, shears, clippers, or
160 other appliances;

161 (iii) arching eyebrows, tinting eyebrows or eyelashes, perming eyelashes, applying
162 eyelash or eyebrow extensions;

163 (iv) removing hair from the body of a person by the use of depilatories, waxing, or
164 shaving equipment;

165 (v) cutting, curling, styling, fitting, measuring, or forming caps for wigs or hairpieces
166 or both on the human head; or

167 (vi) practicing hair weaving or hair fusing or servicing previously medically implanted
168 hair.

169 (b) The term "practice of cosmetology/barbering" includes:

170 (i) the practice of barbering;

171 (ii) the practice of basic esthetics; and

172 (iii) the practice of nail technology.

173 (c) An individual is not required to be licensed as a cosmetologist/barber to engage in
174 the practice of threading.

175 (34) "Practice of cosmetology/barbering instruction" means teaching the practice of
176 cosmetology/barbering:

177 (a) at a licensed cosmetology/barber school, a licensed barber school, or a licensed nail
178 technology school; or

179 (b) for an approved cosmetologist/barber apprenticeship.

180 (35) "Practice of electrology" means:

181 (a) the removal of superfluous hair from the body of a person by the use of electricity,
182 waxing, shaving, or tweezing; or

183 (b) cosmetic laser procedures under the supervision of a cosmetic supervisor limited to
184 superfluous hair removal.

185 (36) "Practice of electrology instruction" means teaching the practice of electrology at a
186 licensed electrology school.

187 (37) "Practice of esthetics instruction" means teaching the practice of basic esthetics or
188 the practice of master-level esthetics:

189 (a) at a licensed esthetics school or a licensed cosmetology/barber school; or

190 (b) for an approved esthetician apprenticeship or an approved master esthetician
191 apprenticeship.

192 (38) "Practice of hair design" means:

193 (a) styling, arranging, dressing, curling, waving, permanent waving, cleansing,
194 singeing, bleaching, dyeing, tinting, coloring, or similarly treating the hair of the head of a
195 person;

196 (b) barbering, cutting, clipping, shaving, or trimming the hair by the use of scissors,
197 shears, clippers, or other appliances;

198 (c) cutting, curling, styling, fitting, measuring, or forming caps for wigs, hairpieces, or
199 both on the human head; or

200 (d) practicing hair weaving, hair fusing, or servicing previously medically implanted
201 hair.

202 (39) "Practice of hair design instruction" means teaching the practice of hair design at a
203 licensed cosmetology/barber school, a licensed hair design school, or a licensed barber school.

204 (40) (a) "Practice of master-level esthetics" means:

205 (i) any of the following when done for cosmetic purposes on the body and not for the
206 treatment of medical, physical, or mental ailments:

207 (A) body wraps as defined by rule;

208 (B) hydrotherapy as defined by rule;

209 (C) chemical exfoliation as defined by rule;

210 (D) advanced pedicures as defined by rule;

211 (E) sanding, including microdermabrasion;

- 212 (F) advanced extraction;
- 213 (G) other esthetic preparations or procedures with the use of:
- 214 (I) the hands; or
- 215 (II) a mechanical or electrical apparatus which is approved for use by division rule for
- 216 beautifying or similar work performed on the body for cosmetic purposes and not for the
- 217 treatment of a medical, physical, or mental ailment; or
- 218 (H) cosmetic laser procedures under the supervision of a cosmetic supervisor with a
- 219 physician's evaluation before the procedure, as needed, unless specifically required under
- 220 Section 58-1-506, and limited to the following:
- 221 (I) superfluous hair removal;
- 222 (II) anti-aging resurfacing enhancements;
- 223 (III) photo rejuvenation; or
- 224 (IV) tattoo removal with a physician's, advanced practice nurse's, or physician
- 225 assistant's evaluation before the tattoo removal procedure, as required by Subsection
- 226 58-1-506(3)(a); and
- 227 (i) lymphatic massage by manual or other means as defined by rule.
- 228 (b) Notwithstanding the provisions of Subsection (40)(a), a master-level esthetician
- 229 may perform procedures listed in Subsection (40)(a)(i)(H) if done under the supervision of a
- 230 cosmetic supervisor acting within the scope of the cosmetic supervisor license.
- 231 (c) The term "practice of master-level esthetics" includes the practice of esthetics, but
- 232 an individual is not required to be licensed as an esthetician or master-level esthetician to
- 233 engage in the practice of threading.
- 234 (41) "Practice of nail technology" means to trim, cut, clean, manicure, shape, massage,
- 235 or enhance the appearance of the hands, feet, and nails of an individual by the use of hands,
- 236 mechanical, or electrical preparation, antiseptic, lotions, or creams, including the application
- 237 and removal of sculptured or artificial nails.
- 238 (42) "Practice of nail technology instruction" means teaching the practice of nail
- 239 technology at a licensed nail technician school, at a licensed cosmetology/barber school, or for
- 240 an approved nail technician apprenticeship.
- 241 (43) "Recognized barber school" means a barber school located in a state other than
- 242 Utah, whose students, upon graduation, are recognized as having completed the educational

243 requirements for licensure in that state.

244 (44) "Recognized cosmetology/barber school" means a cosmetology/barber school
245 located in a state other than Utah, whose students, upon graduation, are recognized as having
246 completed the educational requirements for licensure in that state.

247 (45) "Recognized electrology school" means an electrology school located in a state
248 other than Utah, whose students, upon graduation, are recognized as having completed the
249 educational requirements for licensure in that state.

250 (46) "Recognized esthetics school" means an esthetics school located in a state other
251 than Utah, whose students, upon graduation, are recognized as having completed the
252 educational requirements for licensure in that state.

253 (47) "Recognized hair design school" means a hair design school located in a state
254 other than Utah, whose students, upon graduation, are recognized as having completed the
255 educational requirements for licensure in that state.

256 (48) "Recognized nail technology school" means a nail technology school located in a
257 state other than Utah, whose students, upon graduation, are recognized as having completed the
258 educational requirements for licensure in that state.

259 (49) "Salon" means a place, shop, or establishment in which cosmetology/barbering,
260 esthetics, electrology, or nail technology is practiced.

261 (50) "Unlawful conduct" is as defined in Sections [58-1-501](#) and [58-11a-502](#).

262 (51) "Unprofessional conduct" is as defined in Sections [58-1-501](#) and [58-11a-501](#) and
263 as may be further defined by rule by the division in collaboration with the board in accordance
264 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.